

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

Case No. 14-10226

v.

Hon. John Corbett O'Meara

BRIAN J. ROMAN,

Defendant.

**ORDER GRANTING PLAINTIFF'S MOTION TO FILE
DELAYED MOTION FOR SUMMARY JUDGMENT**

Plaintiff, the United States of America, seeks permission to file a motion for summary judgment after the dispositive motion deadline. Defendant opposes Plaintiff's motion. Having reviewed the papers, the court finds that good cause exists to amend the scheduling order. See Fed. R. Civ. P. 16(b)(4).

The parties have attempted to settle this student loan action, to no avail. Plaintiff has not previously requested an amendment of the scheduling order. Although this matter was scheduled for the February trailing trial docket, the court has not yet set a date certain for trial. Without commenting on the merits of Plaintiff's motion, the court notes that the opportunity to dispose of legal issues prior to trial enhances judicial efficiency and is less costly for the parties. This is

particularly true here, where a relatively small amount of damages is at stake and the main witnesses reside in California and Oregon. The court discerns no undue prejudice to Defendant if Plaintiff is permitted to file its motion.

For these reasons, IT IS HEREBY ORDERED that Plaintiff's motion for leave to file a delayed motion for summary judgment is GRANTED.

s/John Corbett O'Meara
United States District Judge

Date: February 24, 2015

I hereby certify that a copy of the foregoing document was served upon counsel of record on this date, February 24, 2015, using the ECF system.

s/William Barkholz
Case Manager